Applic. No.: 09/281,695
Submission Dated April 19, 2005

Remarks:

The following remarks rely upon argument that has been relied upon in the Brief on Appeal or Reply Brief.

Claims 1-20 are rejected and are under appeal in this case. Claim 1 is independent and is rejected as being anticipated by Robinson et al. (US 5,533,102 - hereinafter "Robinson").

The essence of Robinson is to provide the called party the ability to intervene the conventional auto-attendant system. In the conventional auto-attendant system, the caller interacts with the auto-attendant system system and the system responds according to the caller's input. In the Robinson's system, a communication link (via Remote Procedure Calls or a direct link) is added from the caller to the called party, to notify the called party of incoming calls and to allow the called party to send commands to the auto-attendant system.

In contrast, the core concept of the invention of the instant application is to provide a communication system in which the key information is stored and processed in a remote computer so that the replacement of a communications terminal would not cause the loss of the information.

The following key features of claim 1 of the instant application are not disclosed by Robinson:

- said first communications terminal having a central controller transmitting status data relating to functional features of said first communications terminal to said remote computer via a second network, said remote computer being programmed to automatically evaluate the status data and to generate an instruction sequence from the status data and to transmit the instruction sequence to said first communications terminal via the second network; and

- said central controller employing the instruction sequence as a program section and providing the functional features to said first communications terminal upon processing the program section.

The Examiner has identified the telephone 12 and the programmed personal computer 14 as shown in Figs. 1 and 4 of Robinson as the first communications terminal having a central controller as recited in claim 1 of the instant application. The Examiner has also identified the programmed personal computer 40 as shown in Fig. 4 of Robinson as a remote computer. However, it is noted that

- the programmed personal computer 14 does not transmit status data relating to functional features of the first communications terminal (such as the lifting of the handset, and statuses of other functional units such as the keypad); rather it transmits state change requests and intervenes the interaction between the caller and the auto-attendant system.

- the programmed personal computer 40 cannot be considered as a remote computer because it is directly connected to the telephone terminal of the caller. The programmed personal computer 40 directly controls the caller terminal and might be conceptually compared with the central controller of the invention of the instant application.

- the programmed personal computer 14 does not employ the instruction sequence obtained from the programmed personal computer 40 as a program section and provide the functional features to the telephone 12 upon processing the program section. Rather, the telephone 12 is connected to the private branch exchange (PBX) 26 through the communication channel 28 and controlled by the PBX 26.

Although the system of Robinson and the system of the invention of the instant application are not comparable, if the two systems are to be compared, then the Robinson's system is a conventional auto-attendant system with the addition of a connection between the caller and the called party to provide the called party the ability to intervene the interaction between the caller and the auto-attendant system; whereas the system of the invention of the instant application is a conventional auto-attendant system with the addition of a remote computer connected via a network to the auto-attendant system in order to facilitate the replacement of the terminal device.

In addition, it is noted that the Examiner has not clearly identified the first network and the second network. If the telephone 10 together with the programmed personal computer 14 would be considered as the first communications terminal, the programmed personal computer 40 as the remote computer, and the telephone 54 the second communications terminal, then the first network (between the first communications terminal and the second communications terminal) and the second network (between the first communications terminal and the remote computer) would share the common connection 28 and cannot be considered as separate networks.

In summary, according to the invention of the instant application, the evaluation of the status data for generating the instruction sequence is done by the remote computer. In contrast, in Robinson evaluating call status data is up to the responsive user being notified of call states. Therefore, Robinson teaches an "open loop" system depending on user interaction whereas the invention of the instant application represents a "closed loop" system in which no user interaction is required or desired for controlling a communication terminal's functionality.

In view of the forgoing, the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Respectfully submitted,

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For Appellants

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